| | Case 2:10-cv-02151-JCM-GWF Docume | ent 11 Filed 08/17/11 Page 1 of 2 | |
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| 4 | ANALON CELE | | |
| 5 | UNITED STATES DISTRICT COURT DISTRICT OF NEVADA | | |
| 6 | DISTRIC | CT OF NEVADA | |
| 7 | | 0 10 CV 0151 VCV (CVVT) | |
| 8 | RIGHTHAVEN LLC, | 2:10-CV-2151 JCM (GWF) | |
| 9 | Plaintiff, | | |
| 10 | v. | | |
| 11 | CARL BURRELL, et al., | | |
| 12 | | | |
| 13 | Defendants. | | |
| 14 | | | |
| 15 | | ORDER | |
| 16 | Presently before the court is the matter of <i>Righthaven LLC v. Burrell, et. al.</i> (Case No. 2:10- | | |
| 17 | cv-02151-JCM-GWF). | | |
| 18 | Federal Rule of Civil Procedure 4(m) provides: "If a defendant is not served within 120 days | | |
| 19 | after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must | | |
| 20 | dismiss the action without prejudice." | | |
| 21 | Plaintiff filed the complaint on December 12, 2010. (Doc. #1). Pursuant to Federal Rule of | | |
| 22 | Civil Procedure 4(m), on July 12, 2011, the clerk of the court provided notice to plaintiff that the | | |
| 23 | action would be dismissed as to defendant Flick & Tea, if plaintiff did not file proof of service of | | |
| 24 | process by August 11, 2011. (Doc. #9). | | |
| 25 | To date, plaintiff has failed to file proof of service with the court as to defendant Flick & Tea. | | |
| 26 | Accordingly, | | |
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| James C. Mahan U.S. District Judge | | | |

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| 1 | IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the case as to defendant |
| 2 | Flick & Tea be, and the same hereby is, DISMISSED without prejudice. |
| 3 | DATED August 17, 2011. |
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| 5 | UNITED STATES DISTRICT JUDGE |
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James C. Mahan U.S. District Judge